

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DANIEL A. FERRIE,

Plaintiff,

v.

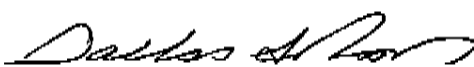
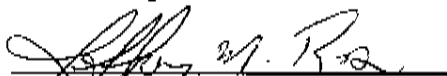
K MART CORPORATION,

Defendant.

Civil Action No: 04 Civ. 12068 (JLT)

DEFENDANT'S LOCAL RULE 16.1 CERTIFICATION

Pursuant to Local Rule 16.1(d)(3), the undersigned party and its counsel hereby certify that they have (i) considered the resolution of this litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4 and (ii) discussed the nature and basis of the Plaintiff's claims and defenses as well as the budget for the costs of conducting the various courses and alternative courses of this litigation and the possible schedules attendant thereto.

Dallas G. Moon, DVP, Employment Law
Kmart Corporation

David S. Rubin, BBO # 546213

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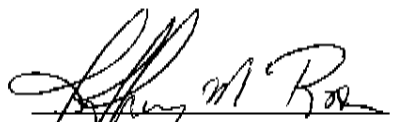
COUNSEL FOR DEFENDANT

DATED: December 27, 2004

CERTIFICATE OF SERVICE

I, Jeffrey M. Rosin, hereby certify that, on this 28th day of December, 2004, I served a copy of this Certification by First Class Mail counsel plaintiff:

Paul F. Wood
Law Offices of Paul F. Wood
45 Bowdoin Street
Boston, MA 02114


Jeffrey M. Rosin